

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2345 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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S R SHAH

Versus

G E B

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Appearance:

MR BR PARIKH for Petitioner

MR KS NANAVATI for Respondent No. 1

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CORAM : MR.JUSTICE C.K.THAKKER

Date of decision: 20/02/97

ORAL JUDGEMENT

1. When the matter was called out for hearing, Mr.B.R.Parikh, learned counsel for the petitioner stated that the petitioner has already been promoted to the post of Deputy Engineer on September 17, 1986. In these circumstances, the prayer of the petitioner regarding promotion to the above post does not survive.

2. Regarding deemed date of promotion from the date when Junior to the petitioner came to be promoted with effect from January 7, 1985 cannot be granted in view of the fact that the case of the petitioner cannot be said to be similarly situated to those persons who were promoted to the post of Deputy Engineer inasmuch as the persons who were promoted to the post of Deputy Engineer were degree holders whereas the petitioner is a Diploma Holder. As held by the Hon'ble Supreme Court in the State of Jammu & Kashmir, vs. Triloki Nath Khosa and others, AIR 1974 SC 1 and reiterated in Roop Chand Adlakha vs. Delhi Development Authority, AIR 1989 SC 307, classification between the degree holders and Diploma holders can be said to be reasonable classification and no contention about the contravention or violation of Arts.14 and 16 of the Constitution arise. In this view of the matter, I do not find any substance in the said contention and the petition is required to be dismissed and is accordingly dismissed. Rule discharged. No order as to costs.

Dt. 20.2.1997. (C.K.THAKKER J.)